Article - General Provisions

§4–353.

(a)   A custodian may deny inspection of any part of a public record that contains:

(1)   stevedoring or terminal services or facility use rates or proposed rates generated, received, or negotiated by the Maryland Port Administration or any private operating company created by the Maryland Port Administration;

(2)   a proposal generated, received, or negotiated by the Maryland Port Administration or any private operating company created by the Maryland Port Administration for use of stevedoring or terminal services or facilities to increase waterborne commerce through the ports of the State; or

(3)   except as provided in subsection (b) of this section, research or analysis related to maritime businesses or vessels compiled for the Maryland Port Administration or any private operating company created by the Maryland Port Administration to evaluate its competitive position with respect to other ports.

(b)   (1)   A custodian may not deny inspection of any part of a public record under subsection (a)(3) of this section by the exclusive representative identified in Section 1 of the memorandum of understanding, or any identical section of a successor memorandum, between the State and the American Federation of State, County and Municipal Employees dated June 28, 2000, or the memorandum of understanding, or any identical section of a successor memorandum, between the State and the Maryland Professional Employees Council dated August 18, 2000, if the part of the public record:

(i)   is related to State employees; and

(ii)   would otherwise be available to the exclusive representative under Article 4, Section 12 of the applicable memorandum of understanding, or any identical section of a successor memorandum of understanding.

(2)   Before the inspection of any part of a public record under paragraph (1) of this subsection, the exclusive representative shall enter into a nondisclosure agreement with the Maryland Port Administration to ensure the confidentiality of the information provided.

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